IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 2ND MAY 2007 / 12TH VAISAKHA 1929

Bail Appl..No. 2533 of 2007()

(C.R. NO.49/2006 OF KONNI EXCISE RANGE)

PETITIONER/ACCUSED:

SOBHANA, D/O. KAMALAMMA,
CHERUVALAKUDIYIL HOUSE, NALLOOR MURI,
MALAYALAPPUZHA VILLAGE, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.V.PHILIP MATHEW

RESPONDENTS: STATE:

THE STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SMT.MEERA.K

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 2533 OF 2007

Dated this the 2nd day of May, 2007

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioner, a lady, who is the accused in C.R. No.49/06 of Konni Excise Range for an offence punishable under Sec.55(g) of the Abkari Act, for having been found in possession of 22 litres of wash on 19.12.06, seeks anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. Anticipatory bail cannot be granted in a case involving such grave offence. Moreover, I am not satisfied that both the grounds enumerated under section 41A(b)(ii) of the Abkari Act are present in this case so as to justify the grant of anticipatory bail. There is no reason why the petitioner should not surrender before the magistrate concerned and seek regular bail. If the petitioner surrenders before the Magistrate concerned within two weeks from today and files an application for regular bail, the same shall be considered and disposed of, preferably on the same day on which it is filed.

This application is, accordingly, dismissed.

(V. RAMKUMAR, JUDGE)

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